

Subpart I—Fees and Charges

- 91.37 Standard hourly fee rate for laboratory testing, analysis, and other services.
- 91.38 Additional fees for appeal of analysis.
- 91.39 Premium hourly fee rate for overtime and legal holiday service.
- 91.40 Fees for courier service and facsimile of the analysis report.
- 91.41 Charges for demonstrations and courses of instruction.
- 91.42 Billing.
- 91.43 Payment of fees and charges.
- 91.44 Charges on overdue accounts and issuance of delinquency notices.
- 91.45 Charges for laboratory services on a contract basis.

Subpart J—Designation of Approved Symbols for Identification of Commodities Officially Tested By AMS

- 91.100 Scope.
- 91.101 Definitions.
- 91.102 Form of official identification symbols.

AUTHORITY: 7 U.S.C. 1622, 1624.

SOURCE: 58 FR 42415, Aug. 9, 1993, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 91 appear at 61 FR 51350, Oct. 2 1996.

Subpart A—Administration

§91.1 General.

This part consolidates the procedural and administrative rules of the Science and Technology of the Agricultural Marketing Service for conducting the analytical testing and laboratory audits with quality assurance reviews. It also contains the fees, charges and laboratories applicable to such services.

[58 FR 42415, Aug. 9, 1993, as amended at 65 FR 64309, Oct. 26, 2000]

§91.2 Definitions.

Words used in the regulations in this part in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this part, unless the context requires otherwise, the following terms will be construed to mean:

Agency. The Agricultural Marketing Service agency of the United States Department of Agriculture.

Analyses. Microbiological, chemical, or physical tests performed on a commodity.

Applicant. Any person or organization requesting services provided by the Science and Technology (S&T) programs.

Legal holidays. Those days designated as legal public holidays specified by Congress in paragraph (a) of section 6103, title 5 of the United States Code and any other day declared to be a holiday by Federal Statute or Executive Order. Under section 6103 and Executive Order 10357, as amended, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered the holiday, or if the specified legal holiday falls on a Sunday, the following Monday shall be considered to be the holiday.

[58 FR 42415, Aug. 9, 1993, as amended at 65 FR 64309, Oct. 26, 2000]

§91.3 Authority.

The Deputy Administrator is charged with the administration of this subchapter.

[58 FR 42415, Aug. 9, 1993, as amended at 65 FR 64309, Oct. 26, 2000]

Subpart B—General Services

§91.4 Kinds of services.

(a) Analytical tests. Analytical laboratory testing services under the regulations in this subchapter consist of microbiological, chemical, and certain other analyses, requested by the applicant and performed on tobacco, seed, dairy, egg, fruit and vegetable, meat and poultry products, and related processed products. Analyses are performed to determine if products meet Federal specifications or specifications defined in purchase contracts and cooperative agreements. Laboratory analyses are also performed on egg products as part of the mandatory Egg Products Inspection Program under the management of USDA's Food Safety and Inspection Service (FSIS) as detailed in 9 CFR 590.580.

(b) Examination and licensure. The manager of the Science and Technology's Cottonseed Chemist Licensing Program administers examinations and licenses chemists to certify the official grade of cottonseed.

(c) Quality assurance reviews. The Science and Technology representative

performs on-site laboratory quality assurance reviews (both required and voluntary) to ensure that appropriate technical methods, equipment maintenance, and quality control procedures are being observed.

(d) Consultation. Technical advice, statistical science consultation, and quality assurance program assistance are provided by the representatives for the Science and Technology programs for domestic and foreign laboratories.

[65 FR 64309, Oct. 26, 2000]

EFFECTIVE DATE NOTE: At 68 FR 69946, § 91.4 was amended by revising paragraph (b) effective January 15, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 91.4 Kinds of services.

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(b) *Examination and licensure.* The manager of a particular Science and Technology program administers examinations and licenses analysts in laboratories for competency in performing commodity testing services.

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§ 91.5 Where services are offered.

(a) Services are offered to applicants at the Science and Technology laboratories and facilities in the following list:

(1) *Science and Technology regional laboratories.* A variety of tests and laboratory analyses are available in two regional multi-disciplinary Science and Technology (S&T) laboratories, and are located as follows:

(i) USDA, AMS, S&T

Eastern Laboratory (Microbiology),
2311-B Aberdeen Boulevard, Gas-
tonia, NC 28054-0614.

(ii) USDA, AMS, S&T

Eastern Laboratory (Chemistry), 645
Cox Road, Gastonia, NC 28054-0614.

(2) *Science and Technology (S&T) aflatoxin laboratories.* The specialty laboratories performing aflatoxin testing on peanuts, peanut products, dried fruits, grains, edible seeds, tree nuts, shelled corn products, oilseed products and other commodities are located as follows:

(i) USDA, AMS, S&T

1211 Schley Avenue, Albany, GA
31707.

(ii) USDA, AMS, S&T

c/o Golden Peanut Company, Mail:
P.O. Box 279, 301 West Pearl Street,
Aulander, NC 27805.

(iii) USDA, AMS, S&T

610 North Main Street, Blakely, GA
31723.

(iv) USDA, AMS, S&T

107 South Fourth Street, Madill, OK
73446.

(v) USDA, AMS, S&T

c/o Cargill Peanut Products, Mail:
P.O. Box 272, 715 North Main
Street, Dawson, GA 31742-0272.

(vi) USDA, AMS, S&T

Mail: P.O. Box 1130, 308 Culloden
Street, Suffolk, VA 23434.

(3) *Citrus laboratory.* The Science and Technology's citrus laboratory specializes in testing citrus juices and other citrus products and is located as follows: USDA, AMS, S&T Eastern Laboratory (Citrus), 98 Third Street, S.W., Winter Haven, FL 33880.

(4) *Program laboratories.* Laboratory services are available in all areas covered by cooperative agreements providing for this laboratory work and entered on behalf of the Department with cooperating Federal or State laboratory agencies pursuant to authority contained in Act(s) of Congress. Also, services may be provided in other areas not covered by a cooperative agreement if the Administrator determines that it is possible to provide such laboratory services.

(5) *Other alternative laboratories.* Laboratory analyses may be conducted at alternative Science and Technology laboratories and can be reached from any commodity market in which a laboratory facility is located to the extent laboratory personnel are available.

(6) *The Plant Variety Protection (PVP) Office.* The PVP office and plant examination facility of the Science and Technology programs issues certificates of protection to developers of novel varieties of plants which reproduce sexually. The PVP office is located as follows: USDA, AMS, Science & Technology, Plant Variety Protection Office, National Agricultural Library Building, Room 500, 10301 Baltimore Boulevard, Beltsville, MD 20705-2351.